

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 3110-2020 (O&M)

Date of Decision: January 29, 2020

Shiv Parshad

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, D.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.278 dated 27.08.2018, under Sections 376-D Indian Penal Code and Section 4 of the POCSO Act, 2012, registered at Police Station Basti Jodhewal, Ludhiana, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 27.08.2018. It is submitted that the petitioner has been falsely implicated in the present case and the allegations as set out in the FIR are absolutely false. Learned counsel for the petitioner further relies upon the statement of PW-6 Dr. Malwinder Mala (M.O.) L.M. Civil Hospital, Ludhiana, who conducted the medical examination of the prosecutrix, wherein no presence of external mark of injury/bleeding has been recorded and submits that the conclusion

of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State on instructions from the Investigating Officer opposes the grant of regular bail to the petitioner while submitting that offences alleged against the petitioner are serious in nature, however, does not dispute the fact that out of 20 cited witnesses, the statement of the prosecutrix has been recorded and that the medico-legal report does not support the version of the occurrence.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 27.08.2018 and the statement of the prosecutrix has been recorded whereas the medico-legal report does not support the version of the occurrence, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

January 29, 2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No